

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2201.05
COMPLAINT INVESTIGATOR:	Brian Simkins
DATE OF COMPLAINT:	December 20, 2004
DATE OF REPORT:	January 13, 2005
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 4, 2005

COMPLAINT ISSUES:

Whether the MSD of Wabash County and the Wabash-Miami Area Programs for Exceptional Children violated:

511 IAC 7-27-11 by failing to provide instruction to a student with a temporary or chronic illness precluding attendance at school.

FINDINGS OF FACT:

1. The Student is unable to attend school full time due to chronic illness and has been determined eligible for homebound instruction.
2. The Student has received homebound instruction during the time period of March 19, 2001, to May 30, 2001; November 2, 2001, to the end of the 2001-2002 school year; February 10, 2003, to the end of the 2002-2003 school year; and March 2, 2004, to the end of the 2003-2004 school year. This homebound instruction was provided according to 511 IAC 7-27-11 for a student who is not a student with a disability identified in accordance with Article 7.
3. During the period from the beginning of the 2004-2005 school year to December 20, 2004, the Student had 58.5 total absences from school including full and half days. The Student has not attended school at all after on or about October 29, 2004.
4. A physician's statement indicating that the Student may need homebound instruction is dated November 22, 2004. The statement does not include a specific diagnosis of the Student's illness or medical condition, nor does it state that the Student will be absent at least 20 instructional days. However, by November 22, 2004, the Student had already been absent from school 38.5 days. The School states that this physician's statement was incomplete, but the School did not request additional information.
5. On January 3, 2005, the School received an application for homebound services for the Student. The application includes a signed and dated physician's statement that briefly describes the Student's medical condition and checks off that the condition is chronic. The School approved the application. The School's approval of the application indicates that homebound services are to begin "ASAP, 2004[05]."

CONCLUSIONS:

Findings of Fact #3 and #4 indicate that the School failed to provide homebound instruction to a student with a chronic illness precluding attendance in school. Under the circumstances indicated by Findings of Fact #2, #3, and #4, the School had a duty to seek additional information and to initiate homebound instruction earlier than January 3, 2005. Therefore, a violation of 511 IAC 7-27-11 is found. However, Finding of Fact #5 indicates that corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires the following additional corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Wabash County shall:

1. Submit documentation to the Division of Exceptional Learners, no later than February 25, 2005, indicating that homebound instruction has been provided to the Student.
2. Send a written memorandum from the Superintendent to all school principals regarding the requirements of 511 IAC 7-27-11. In addition, the Superintendent shall provide copies of the Indiana Department of Education's Attendance Manual for review with special emphasis on the State Attendance Officer's memorandum regarding chronic absenteeism and the Certificate of Incapacity. A copy of the memorandum and an assurance statement from the Superintendent that all principals have received the manual for review shall be submitted to the Division no later than February 25, 2005.